CLEC behavior or other "factors outside **of** [the applicant's] control." New York Order ¶¶ 59, 202; see also Massachusetts Order ¶ 13; Kansas/Oklahoma Order ¶ 32.

Applying these standards here, it is abundantly clear that the checklist requirements are satisfied.

## A. Interconnection (Checklist Item 1).

Verizon provides the same forms of interconnection in Maryland, the District, and West Virginia that it provides in states that have already received section 271 approval, and provides them using the same processes and procedures that it **uses** in those states. Moreover, **as** in Verizon's 271-approved states, real-world experience in the three jurisdictions proves that Verizon is able to meet the large and increasing demand for interconnection.

### 1. Interconnection Trunks.

Verizon provides competing carriers in the three jurisdictions with the same kinds of interconnection trunks that it provides in its 271-approved states. See Lacouture/Ruesterholz MD Decl. ¶ 12; Lacouture/Ruesterholz DC Decl. ¶ 12; LacoutureRuesterholz WV Decl. ¶ 12. As the Commission has repeatedly found, Verizon provides interconnection **to** competing carriers on terms and conditions that are just, reasonable, and nondiscriminatory. See Virginia Order ¶ 172; Pennsylvania Order ¶ 99; New HamushireDelaware Order ¶ 133; New Jersey Order ¶ 154; Massachusetts Order ¶ 183; Rhode Island Order ¶ 73; New York Order ¶ 67; Vermont Order ¶ 45; Maine Order ¶ 52. The Commission has also found that Verizon "provides interconnection . . . at any technically feasible point, including a single point of interconnection within the LATA." Virginia Order ¶ 173; see also Massachusetts Order ¶ 182. The same is true here."

[17] During the state proceedings in all three jurisdictions, AT&T complained that Verizon is continuing to request geographically relevant interconnection points **("GRIPS")** during

Through September 2002, Verizon has provided 30 competing carriers with more than 250,000 interconnection trunks in Maryland, more than 20 competing carriers with approximately 77,000 interconnection trunks in Washington, D.C. (including tandem trunks that handle tandem switching for northern Virginia and suburban Maryland), and 10 competing carriers with approximately 34,000 interconnection trunks in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 13; Lacouture/Ruesterholz DC Decl. ¶ 13; Lacouture/Ruesterholz WV Decl. ¶ 13. Through these trunks, CLECs are exchanging with Verizon an average of approximately 1.8 billion minutes of traffic per month in Maryland, 611 million minutes of traffic per month in the District, and 120 million minutes of traffic per month in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 15; LacoutureRuesterholz DC Decl. ¶ 15; Lacouture/Ruesterholz WV Decl. ¶ 15.

Verizon provides interconnection trunks on time, even in the face of strong commercial demand." From August through October 2002, Verizon met the installation appointments for

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interconnection negotiations. As in Virginia, however, Verizon "has entered into at least one interconnection agreement . . . that does not follow the GRIPS policy," so "GRIPS is not the only form of network interconnection available" in the three jurisdictions. Virginia Order ¶ 173; see Lacouture/Ruesterholz MD Decl. ¶ 33; Lacouture/Ruesterholz DC Decl. 733; Lacouture/Ruesterholz WV Decl. ¶ 33. As the Commission has found, this is sufficient to satisfy the checklist. See Virginia Order ¶ 173. Moreover, Verizon also has modified its Model Interconnection Agreement to provide for a single point of interconnection per LATA. See LacoutureRuesterholz MD Decl. ¶ 33; LacoutureRuesterholz DC Decl. ¶ 33; Lacouture/Ruesterholz WV Decl. ¶ 33. In any event, the Commission has found that Verizon's policy "complies with the clear requirement of our rules, i.e., that incumbent LECs provide for a single ***physical*** point of interconnection per LATA." Pennsylvania Order ¶ 100; see Virginia Order ¶ 173.

[18] During the course of the Maryland proceedings, one CLEC (CoreTel) complained about the timeliness with which Verizon installed certain interconnection trunks. See LacoutureRuesterholz MD Decl. ¶ 35. But Verizon has provisioned CoreTel's interconnection trunks in significantly less time than either the typical interval or the time it took to complete other CLECs' trunks during the same time frame. See id. In any event, CoreTel has filed complaints about this same issue with both the Maryland PSC and this Commission, and as a result there are now *two* ongoing proceedings to address this issue. See id. Those forums, not

providing interconnection trunks to CLECs more than **99** percent of the time in all three jurisdictions. See LacoutureRuesterholz MD Decl. ¶ 23; LacoutureRuesterholz DC Decl. ¶ 23; Lacouture/Ruesterholz WV Decl. ¶ 23; Rhode Island Order ¶ 70 (giving "substantial weight" to this measurement instead of the average interval completed measurement); see also Virginia Order ¶ 172 ("no commenter disputes Verizon's interconnection quality or timeliness").

Verizon also has undertaken extraordinary efforts to accommodate the demand for interconnection trunks. For example, in 2001, Verizon increased the number of trunks between Verizon's network and CLEC networks by more than 50 percent in Maryland, by approximately 20 percent in the District, and by more than 90 percent in West Virginia. See LacoutureRuesterholz MD Decl. ¶ 14; LacoutureRuesterholz DC Decl. ¶ 14; LacoutureRuesterholz WV Decl. ¶ 14. Finally, in all three jurisdictions, Verizon provides **trunks** to competing carriers that are of comparable or better quality than those it provides to itself. See Lacouture/Ruesterholz MD Decl. ¶¶ 25, 30-31; Lacouture/Ruesterholz DC Decl. ¶¶ 25, 30-31; LacoutureRuesterholz WV Decl. ¶¶ 25, 30-31.[19]

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this one, are clearly the appropriate place to address this claim. Moreover, in accordance with the Maryland PSC's requirements, Verizon is allowing CLECs to obtain interconnection over existing loop facilities that are shared with Verizon's retail customers when capacity exists and is preparing a model interconnection agreement amendment that will include terms for interconnection over such facilities. See LacoutureRuesterholz MD Decl. ¶ 35; Maryland PSC December 16th Letter at 6.

[19] In the West Virginia proceedings, one CLEC (NCC) argued that Verizon refused to interconnect using fiber-optic facilities initially designed to provision loops. See Lacouture/Ruesterholz WV Decl. ¶ 35. In fact, Verizon **has no** such policy, has interconnected with CLECs using such facilities at least four times across its footprint, and will treat future requests on a case-by-case basis. See id. In any event, this issue is currently pending before the West Virginia PSC in a separate proceeding, and that proceeding, not this one, is the appropriate forum in which to address this claim. See id.

**2.** Collocation.

Verizon provides competitors in Maryland, the District, and West Virginia with substantially the same forms of collocation as it provides in its states that have received section 271 approval, using the same processes and procedures. See Lacouture/Ruesterholz MD Decl. ¶ 38; LacoutureRuesterholz DC Decl. ¶ 35; LacoutureRuesterholz WV Decl. ¶ 36.[20] The Commission previously found that Verizon's collocation offerings satisfy the requirements **of** the Act. See Virginia Order ¶ 172; Pennsylvania Order ¶ 99; New Hampshire/Delaware Order ¶ 133; New Jersey Order ¶ 154; Massachusetts Order ¶ 194; Rhode Island Order ¶¶ 73-74; New York Order ¶ 67; Vermont Order ¶ 45; Maine Order ¶ 52. Verizon also **has** modified its collocation offerings and processes in all three jurisdictions to comply with the Collocation Remand Order?' See LacoutureRuesterholz MD Decl. ¶ 38; Lacouture/Ruesterholz DC Decl. 735; Lacouture/Ruesterholz WV Decl. ¶ 36. Through September 2002, Verizon has placed in service 470 collocation arrangements in Maryland, 133 collocation arrangements in the District, and 45 collocation arrangements in West Virginia. See LacoutureRuesterholz MD Decl. ¶ 46; LacoutureRuesterholz DC Decl. ¶ 43; LacoutureRuesterholz WV Decl. ¶ **44.**

[20] On February 27,2002, the Maryland PSC approved a joint settlement agreement between Verizon and various CLECs to resolve certain collocation rate issues. See LacoutureRuesterholz MD Decl. ¶ 39. This settlement puts to rest issues that several CLECs raised during the course of the state proceedings regarding Verizon's rates. See Virginia Order ¶ 180 (holding that state-approved collocation settlements will be approved unless a party can show a "clear error" in the state commission's determination); Lacouture/Ruesterholz MD Decl. ¶ 39. Verizon and CLECs reached a similar settlement agreement in the District. See Order No. 11979, Implementation of the District of Columbia Telecommunications Competition Act **of** 1996 and Implementation of the Telecommunications Act of 1996, Formal Case No. 962 (DC PSC Apr. 20,2001) (App. C-DC, Tab 25).

[21] Deployment of Wireline Services Offering Advanced Telecommunications Capability, Fourth Report and Order, 16 FCC Rcd 15435 (2001) ("Collocation Remand Order"), petitions for review denied, Verizon Tel. Cos. v. FCC, 292 F.3d 903 (D.C. Cir. 2002).

In all three jurisdictions, as in Verizon's 271-approved states, Verizon provides every form of collocation that is required by the Commission's rules.[22] ***First,*** in addition to standard physical arrangements, Verizon provides shared, adjacent, and "cageless" forms of collocation in accordance with the Commission's rules. See LacoutureRuesterholz MD Decl. ¶ 58; LacoutureRuesterholz DC Decl. ¶ 55; LacoutureRuesterholz WV Decl. ¶ 56; Collocation Order[23] ¶¶ 41-42. ***Second,*** Verizon permits CLECs the option of establishing controlled-environment vaults or similar structures adjacent to Venzon central offices in which physical collocation space **is** unavailable. See LacoutureRuesterholz MD Decl. ¶ 60; LacoutureRuesterholz DC Decl. ¶ 57; Lacouture/Ruesterholz WV Decl. ¶ 58; Collocation Order ¶ 44; Collocation Reconsideration Order[24] ¶¶ 45-47. ***Third,*** Verizon provides virtual collocation. See LacoutureRuesterholz MD Decl. ¶¶ 39, 43; LacoutureRuesterholz DC Decl. ¶¶ 36, 40; LacoutureRuesterholz WV Decl. ¶¶ 37, 41. ***Fourth,*** Verizon offers collocation at remote terminals in the same manner **as** the Commission found compliant in Verizon's 271-approved states. See Lacouture/Ruesterholz MD Decl. ¶ 67; LacoutureRuesterholz DC Decl. ¶ 64;

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[22] **As** in Verizon's 271-approved states, Verizon charges CLECs in all three jurisdictions for power based on the quantity of load amps they request rather than the quantity of fused amps. CLECs in the three jurisdictions may determine for themselves the quantity **of** load amps they desire for each feed. See Lacouture/Ruesterholz MD Decl. ¶ 75; Lacouture/Ruesterholz DC Decl. ¶ 70; LacoutureRuesterholz WV Decl. ¶ 71. The practices in the three jurisdictions are the same as those in Verizon's 271-approved states, where the Commission found that Verizon's collocation power charges were "just, reasonable, and nondiscriminatory." Massachusetts Order ¶ 199; see Virginia Order ¶ 172; Pennsylvania Order ¶ 104; New HamushireDelaware Order ¶ 133; New Jersey Order ¶ 154; Rhode Island Order ¶ 73; Vermont Order ¶ 45; Maine Order ¶ 52.

[23] Deployment of Wireline Services Offering Advanced Telecommunications Capability, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 4761 (1999) ("Collocation Order"), vacated in part, GTE Serv. Corp. v. FCC, 205 F.3d 416 (D.C. Cir. 2000).

[24] Deployment of Wireline Services Offering Advanced Telecommunications Capability, Order on R i l d : Further N ti of Proposed Rulemaking in CC Docket No. ·1 and Fifth Further Notice of roposed Rulemaking in CC Docket No. 96-98, 5 FCC Rcd 17806 (2C 'Collocation Reconsideration er")

LacoutureRuesterholz WV Decl. ¶ 65; Virginia Order ¶ 172; Pennsylvania Order ¶ 99; New Hampshire/Delaware Order ¶ 133; New Jersey Order ¶ 154; Massachusetts Order ¶ 196; Rhode Island Order ¶¶ 73-75; Vermont Order ¶ 45; Maine Order ¶ 52.[25] ***Finally,*** Verizon provides collocation within intervals that are comparable to what this Commission has approved in the past: 76 business days for physical arrangements, and 105 business days for virtual arrangements in all three jurisdictions. See LacoutureRuesterholz MD Decl. ¶ 47; LacoutureRuesterholz DC Decl. ¶ 44; LacoutureRuesterholz WV Decl. ¶ 45. See also Massachusetts Order ¶ 195 (finding that comparable intervals satisfied the checklist); New York Order ¶¶ 73-75 (same).

Verizon also provides collocation in a timely manner. From August through October 2002, Verizon completed all new physical and virtual collocation arrangements and augments in Maryland, the District, and West Virginia on time. See Lacouture/Ruesterholz MD Decl. ¶ 48; LacoutureRuesterholz DC Decl. ¶ 45; Lacouture/Ruesterholz WV Decl. ¶ 46. Finally, Verizon has taken the same extraordinary steps as it has taken in its 271-approved states to make collocation space available in its central offices. See LacoutureRuesterholz MD Decl. ¶¶ 51-55; LacoutureRuesterholz DC Decl. ¶¶ 48-52; LacoutureRuesterholz WV Decl. ¶¶ 49-53.[26]

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[25] During the course of the proceedings in Maryland, Covad claimed that it was too costly for it to collocate a DSLAM at or near a remote terminal. See LacoutureRuesterholz MD Decl. ¶ 69. But whether or not Covad considers collocation at remote terminals to be a commercially viable business strategy has nothing to do with whether Verizon complies with the FCC's rules or this checklist item. See Lacouture/Ruesterholz MD Decl. ¶ 69. Indeed, Covad raised this same issue in Virginia, where the Commission found that Verizon's practices satisfy the checklist. See Virginia Order ¶ 172.

[26] During the course **of** the proceedings in Maryland, the District, and West Virginia, AT&T argued that Verizon should be required to adopt new policies for addressing collocation space that CLECs return. See LacoutureRuesterholz MD Decl. ¶¶ 78-79; Lacouture/Ruesterholz DC Decl. ¶¶ 72-73; Lacouture/Ruesterholz WV Decl. ¶ 72. In Maryland and the District, this issue is already being addressed in proceedings being conducted by the Maryland PSC (Case No. 8913) and the District **of** Columbia PSC (Formal Case No. 962), respectively, which are the

## B. Unbundled Network Elements (Checklist Items 2, 4, 5, and 6).

Verizon provides competing carriers in Maryland, the District, and West Virginia with commercial volumes of unbundled network elements, including unbundled local loops, local switching, and local transport. In all three jurisdictions, Verizon provides these network elements using the same processes and procedures that it uses in Verizon states that have received section 271 approval. Moreover, Verizon has **kept** pace with commercial demand; it consistently delivers unbundled elements on time, when competing carriers request them.

### 1. Unbundled Local Loops.

Verizon makes available to competing carriers in the three jurisdictions the same types of unbundled loops it makes available in its states that have received section 271 approval, and provides them using substantially the same processes and procedures as it uses in those states. See LacoutureRuesterholz MD Decl. ¶¶ 83-84; Lacouture/Ruesterholz DC Decl. ¶¶ 79-80; LacoutureRuesterholz WV Decl. ¶¶ 79-80; Virginia Order ¶ 138 (finding that Verizon's provision of unbundled loops satisfies the Act); Pennsylvania Order ¶¶ 76-92 (same); New HamushireDelaware Order ¶ 104 (same); New Jersey Order ¶ 136 (same); Massachusetts Order ¶ 124 (same); Rhode Island Order ¶ 76 (same); New York Order ¶ 273 (same); Vermont Order ¶ 48 (same); Maine Order ¶ 44 (same).

Through September 2002, Verizon has provided approximately **133,000** unbundled loops to CLECs in Maryland (including approximately **41,000** that were provided as part of an

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appropriate forums in which to address this issue. See Lacouture/Ruesterholz MD Decl. ¶ 77; LacoutureRuesterholz DC Decl. ¶ 72. Moreover, although Verizon's existing policies already satisfy the checklist, it is nonetheless taking additional steps to address AT&T's concerns. For example, Verizon has recently issued credits — including to AT&T — for a number of collocation arrangements that were vacated and that have recently been re-occupied. See Lacouture/Ruesterholz MD Decl. ¶ 77; Lacouture/Ruesterholz DC Decl. ¶ 72; Lacouture/Ruesterholz WV Decl. ¶ 72.

unbundled element platform that **also** included switching and shared transport), approximately 23,000 unbundled loops to CLECs in the District (including approximately 5,400 that were provided as part of a platform), and approximately 24,000 unbundled loops to CLECs in West Virginia (including approximately 1,800 that were provided as part of a platform). See Lacouture/Ruesterholz MD Decl. ¶ 86; Lacouture/Ruesterholz DC Decl. ¶ 81; LacoutureiRuesterholz WV Decl. ¶ 82. Moreover, Verizon's performance in all three jurisdictions has been excellent across the board.[27]

a. Stand-Alone Voice-Grade **Loops.**

Through September 2002, Verizon has provided competing carriers with approximately 75,000 voice-grade (**i.e.,** POTS) loops on a stand-alone basis in Maryland, approximately 12,000 such loops in the District, and approximately 20,000 such loops in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 88; LacoutureiRuesterholz DC Decl. ¶ 83; Lacouture/Ruesterholz WV Decl. ¶ 84. Verizon's processes for providing stand-alone voice-grade loops have earned the prestigious ISO 9000 certification from the International Organization for Standardization, an independent, worldwide federation of national standards bodies that awards this certification to companies that demonstrate they meet the expectations of their customers. See Lacouture/Ruesterholz MD Decl. ¶ **89;** Lacouture/Ruesterholz DC Decl. ¶ 84; Lacouture/Ruesterholz WV Decl. ¶ 85.[28]

[27] The Commission **has** correctly concluded that its "analysis of this checklist item cannot focus on [Verizon's] performance with respect to any single metric or any single type of loop," but rather should be based on a "comprehensive picture of whether [Verizon] is providing unbundled local loops in accordance with the requirements of checklist item 4." New York Order ¶ 278; see also AT&T Corp. v. FCC, 220 F.3d 607,624 (D.C. Cir. 2000) (affirming determination that the checklist focus is on "overall provisioning of **loops,** as opposed to mandating pass-fail analysis with respect to" a single category).

[28] During the course of the West Virginia proceedings, one CLEC (FiberNet) claimed that Verizon is not providing access to loops served via Integrated Digital Loop Carrier ("IDLC"),

In all three jurisdictions, Verizon has continued to provide voice-grade loops on time, when competitors ask for them. From August through October 2002, Verizon met approximately 98 percent of its installation appointments for CLECs' stand-alone voice-grade loops in Maryland and the District, and approximately 97 percent of such appointments in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 90; Lacouture/Ruesterholz DC Decl. ¶ 85; Lacouture/Ruesterholz WV Decl. 786; see also Massachusetts Order ¶ 162 (finding 93-percent performance acceptable). In all three jurisdictions, Verizon's performance for CLECs was better than Verizon's performance for the retail comparison group. See Lacouture/Ruesterholz MD Decl. ¶ 90; LacouturelRuesterholz DC Decl. ¶ 85; LacouturelRuesterholz WV Decl. ¶ 86. Verizon also provides stand-alone voice-grade loops to competitors with a high degree of quality. From August through October, CLECs reported installation troubles within 30 days on **a** smaller percentage of stand-alone voice-grade loops than the retail comparison group in both Maryland and in the District. See LacoutureRuesterholz MD Decl. ¶ 94; LacoutureRuesterholz DC Decl. ¶ 89. In West Virginia, where volumes have been small (and performance measurements are therefore subject to fluctuations, see, e.g., Kansas/Oklahoma Order ¶ 36), Verizon's performance was at parity for two of three months between August and October, and for the three months as a whole the difference between the percentage of installation troubles reported by CLECs **(3.72** percent) and the retail comparison group (2.87 percent) is not competitively significant. See LacouturelRuesterholz WV Decl. ¶ 89.

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but that is not the case. Although it is not technically feasible to unbundle an IDLC loop, Verizon is providing unbundled loops in these situations by using available spare copper facilities or by performing a line station transfer to make spare copper facilities available, see Lacouture/Ruesterholz WV Decl. ¶ 94. These are the same procedures that the Commission has previously upheld. See Virginia Order ¶ 148. Moreover, alternative copper facilities are available for more than 98 percent of the loops served via IDLC, and that number is growing as Verizon has expanded the availability of copper facilities at remote terminal locations that have reached capacity. See LacouturelRuesterholz WV Decl. ¶ 94.

Verizon's performance in maintaining and repairing CLECs' stand-alone voice-grade loops also is excellent. From August through October, approximately 1 percent or less of CLEC voice-grade loops had reported troubles in Maryland, the District, and West Virginia, which is better than for the retail comparison group. See LacoutureRuesterholz MD Decl. ¶ **95;** LacoutureRuesterholz DC Decl. ¶ **90;** Lacouture/Ruesterholz WV Decl. ¶ **90.** Moreover, for the small number of these loops that did experience troubles in those jurisdictions, Verizon's maintenance and repair performance is excellent. With respect to most maintenance and repair performance measurements for stand-alone voice-grade loops — including both the missed repair appointment rate and the mean time to repair — Verizon's reported performance for CLECs in all three jurisdictions is comparable to or better than Verizon's reported performance for the retail comparison group. See Lacouture/Ruesterholz MD Decl. ¶¶ **96-97;** LacoutureRuesterholz DC Decl. ¶¶ **91-92;** LacoutureRuesterholz WV Decl. ¶¶ 91-92.[29]

**b. Hot Cuts.**

Just as Verizon's performance in providing new stand-alone voice-grade loops has been strong overall, so has its performance on the subset of voice-grade loops provisioned through hot cuts. Verizon uses the same methods and procedures to perform hot cuts in Maryland, the District, and West Verizon as in its 271-approved states, and its performance has been, and continues to be, excellent. See Lacouture/Ruesterholz MD Decl. ¶ **99;** LacoutureRuesterholz DC Decl. ¶ **94;** LacoutureRuesterholz WV Decl. ¶ **95;** Virginia Order ¶ 138 (finding that Verizon's provision of hot cuts satisfies the checklist); Pennsylvania Order ¶ 86 (same); New Hampshire/Delaware Order ¶¶ 107,111 (same); New Jersey Order ¶ 142 (same); Massachusetts

[29] Verizon's repeat trouble report rates for CLEC POTS loops in Maryland are in parity from August through October when calculated under the New York measurements that will soon be implemented in Maryland. See LacoutureRuesterholz MD Decl. ¶ **98.**

Order ¶¶ 158-160 (same); Rhode Island Order ¶ 83 (same); Vermont Order7 51 (same); Maine Order ¶ 46 (same). As with Verizon's processes for stand-alone voice-grade loops, its hot-cut processes have earned the prestigious ISO 9000 certification. See LacoutureRuesterholz MD Decl. ¶ 100; Lacouture/Ruesterholz DC Decl. ¶ 95; LacoutureRuesterholz WV Decl. ¶ 96.

From August through October, Verizon completed approximately 98 percent or more of CLECs' hot-cut orders on time in Maryland and West Virginia, and nearly 97 percent of CLECs' hot-cut orders on time in the District, which is well above the benchmark in each of these jurisdictions. See LacoutureRuesterholz MD Decl. ¶ 104; Lacouture/Ruesterholz DC Decl. ¶ 99; LacoutureRuesterholz WV Decl. ¶ 100; see also Massachusetts Order ¶ 160 (finding 96-percent performance acceptable); New York Order ¶¶ 291-296 (finding 91- to 94-percent performance acceptable); see also AT&T, 220 F.3d at 625-28 (upholding Commission's decision in New York). Moreover, Verizon also continues to provide hot cuts at a very high level of quality. From August through October, the percent of CLEC-reported troubles within seven days of installation was below the 2-percent benchmark in all three jurisdictions. See Lacouture/Ruesterholz MD Decl. ¶ 107; LacoutureRuesterholz DC Decl. ¶ 102; LacoutureRuesterholz WV Decl. ¶ 101.

**c. DSL-Capable Loops.**

Verizon's performance in providing access to the subset of loops used to provide DSL services also is strong. Through September 2002, Verizon has provided approximately 13,000 DSL loops to competing carriers in Maryland, approximately 5,000 DSL loops to competing carriers in the District, and approximately 430 DSL loops to competing carriers in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 128; Lacouture/Ruesterholz DC Decl. ¶ 124; Lacouture/Ruesterholz WV Decl. ¶ 123.

Verizon uses the same processes and procedures to provide competing carriers access to DSL loops in the three jurisdictions as those used in its 271-approved states. See Lacouture/Ruesterholz MD Decl. ¶ 125; Lacouture/Ruesterholz DC Decl. ¶ 121; LacoutureRuesterholz WV Decl. ¶ 120; Virginia Order ¶ 149 (finding that Verizon's provision of DSL loops satisfies the checklist); New HamushireDelaware Order ¶ 107 (same); Pennsylvania Order ¶ 79 (same); New Jersey Order ¶ 144 (same); Massachusetts Order ¶¶ 60, 130, 133, 136, 142,149 (same); Rhode Island Order ¶¶ 78-79 (same); Vermont Order ¶ 51 (same); Maine Order ¶ 46 (same). And, as with Verizon's processes for stand-alone POTS loops and hot cuts, Verizon's DSL processes have earned the prestigious ISO 9000 certification. See LacoutureRuesterholz MD Decl. ¶ 125; Lacouture/Ruesterholz DC Decl. ¶ 121; Lacouture/Ruesterholz WV Decl. ¶ 120.

Verizon reports its performance in providing access to DSL-capable loops in the three jurisdictions using substantially the same measurements as those used in its 271-approved states. See Guerard/Canny/DeVito Decl. ¶¶ 13, 23-25. These measurements show that Verizon's performance has been, and continues to be, excellent.

he-ordering. Verizon provides CLECs in Maryland, the District, and West Virginia with the same ways of obtaining access to loop qualification and loop make-up information as in Verizon's 271-approved states. See McLean/Webster Decl. Att. 2 at 1; Virginia Order ¶ 22 (finding that Verizon provides nondiscriminatory access to OSS pre-ordering functions); Pennsylvania Order ¶¶ 45-47 (same); New HamushireDelaware Order ¶ 95 (same); New Jersey Order ¶ 74 (same); Massachusetts Order ¶ 60 (same); Rhode Island Order ¶¶ 61-63 (same); Vermont Order ¶ 39 (same); Maine Order ¶ 35 (same).[30] For example, as in Verizon's

[30] During the course of the state proceedings in Maryland, only one CLEC — Covad —

271-approved states, CLECs in all tbree jurisdictions may obtain access to the electronic loop-qualification database (LiveWire) or to the loop information currently in Verizon's Loop Facility Assignment Control System ("LFACS"), **or** they may **ask** Verizon to perform a manual loop qualification or an engineering query to obtain even more information about a loop. See McLean/Webster Decl. Att. 2 at 2-10.

Verizon provides access to the required loop qualification information on a timely basis. For example, from August through October 2002, Verizon generally met or bettered the relevant standards for responding to mechanized and on-demand loop-qualification requests in Maryland, the District, and West Virginia. See McLean/Webster Decl. ¶¶ 43-44; see also Massachusetts Order ¶¶ 133-134 (relying on comparable performance). Verizon also has responded to requests for the information from LFACS in a timely manner in all tbree jurisdictions. See McLean/Webster Decl. ¶ 41; see also Rhode Island Order ¶ 62 n.171 (relying on comparable performance).

Ordering. Verizon is providing competing carriers in Maryland, the District, and West Virginia with access to ordering systems in a timely manner. Specifically, CLECs have a choice of submitting unbundled DSL loop orders using the same two interfaces that Verizon makes available in its 271-approved states: the Web GUI and EDI interfaces. See McLean/Webster Decl. **Att. 2** at 10. And Verizon's performance has been, and continues to be, excellent for all

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raised claims regarding the loop information that Verizon provides. Covad's claims, however, merely repeat the comments it submitted in connection with Verizon's Virginia application, where the Commission found that "Verizon provides competitive LECs with access to loop qualification information consistent with the requirements **of** the UNE Remand Order . . . [and] with access to all of the same detailed information about the loop that is available to itself and in the same time frame as Verizon personnel obtain it." Virginia Order ¶ 29; see McLean/Webster Decl. ¶ **46.**

ordering categories that include unbundled DSL-loop orders. See id. ¶¶ 59-62, 69-71, 83-87 & Att. 2 at 10; see also Massachusetts Order ¶ 135 & n.424 (relying on comparable performance).

Provisioning. Verizon also installs DSL loops on time, as demonstrated by the same New York and Massachusetts measurements that have been adopted in Maryland, the District, and West Virginia. From August through October, Verizon met nearly 99 percent of its installation appointments for CLECs in Maryland, more than 98 percent of its installation appointments in the District, and all **of** its installation appointments in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 129; LacoutureRuesterholz DC Decl. ¶ 125; LacoutureRuesterholz WV Decl. ¶ 124.[31] These results are even better than what the Commission has found acceptable in the past. See, e.g., Massachusetts Order ¶ 137 & n.429 (finding 6.4-percent missed appointment rate for CLECs acceptable).

Installation Quality. Verizon provides unbundled DSL-capable loops to competing carriers that are equal in quality to those provided to Verizon's retail services. The measurement that the Commission has previously used to evaluate installation quality is the subset of total trouble reports that are reported within **30** days **of** installation (so-called "I-codes").[32] From August through October, the I-code rate in Maryland and the District was lower for CLECs than

[31] During the relevant period, there were only ten DSL loop orders in West Virginia, but in Virginia, where volumes are higher, Verizon met more than 99 percent of its installation appointments for CLEC DSL loop orders requiring a dispatch. See LacoutureRuesterholz WV Decl. ¶ 124.

[32] In West Virginia, as of September 2002, this measurement tracks the New York guidelines, which use POTS orders that require a dispatch as the retail comparison group, and includes trouble reports for all CLECs, not just those that participate in cooperative acceptance testing with Verizon. See Lacouture/Ruesterholz WV Decl. ¶ 129; see also Pennsylvania Order ¶ 81 & nn.282 & 284 (relying on Verizon's I-code rate **as** calculated under the New York guidelines); Massachusetts Order ¶ 146. In Maryland, Verizon will begin reporting under the New York guidelines beginning with the January 2003 reporting month, but for purposes of this Application Verizon has calculated its performance under these new guidelines. See Lacouture/Ruesterholz MD Decl. ¶ 135.

for the retail comparison group. See LacoutureRuesterholz MD Decl. ¶ 137; LacoutureRuesterholz DC Decl. ¶ 130.[33] In West Virginia, there were no I-codes submitted by CLECs from August through October, and in Virginia the I-code rate was better for CLECs than for the retail comparison group. See Lacouture/Ruesterholz WV Decl. ¶ 129.

Maintenance and Repair. As described above, competing carriers experience troubles on a very small fraction of their unbundled DSL loops, and therefore generally do not need Verizon to provide them with maintenance and repair. On the small fraction of DSL loops for which Verizon does need to provide maintenance and repair, however, it does so in a nondiscriminatory manner. With respect to all of the key measurements on which the Commission has previously relied — including the total trouble rate, the missed repair appointment rate, the mean time to repair, and the repeat trouble report rate — Verizon's performance from August through October was comparable to or better for CLECs than for the retail comparison group in Maryland, the District, and West Virginia. See LacoutureRuesterholz MD Decl. ¶¶ 136-139; LacoutureRuesterholz DC Decl. ¶¶ 131-134; LacoutureRuesterholz WV Decl. ¶¶ 130-133.

**d. Line Sharing.**

Just as Verizon's performance in providing access to DSL-capable loops is excellent, so is its performance in providing access to the "high frequency portion of the loop" through so-called "line sharing." Through September 2002, Verizon has provisioned about 2,600 line-sharing arrangements for unaffiliated CLECs in Maryland, about 770 such arrangements in the District, and about 40 such arrangements in West Virginia. See LacoutureRuesterholz MD Decl. ¶ 157; Lacouture/Ruesterholz DC Decl. ¶ 150; LacoutureRuesterholz WV Decl. ¶ 148.

[33] Verizon's strong installation quality performance puts the lie to the unsupported claims that Covad made during the Maryland state proceedings that Verizon was not properly performing cooperative tests with Covad at the time of installation. See LacoutureRuesterholz MD Decl. ¶ 141.

As is the case with DSL-capable loops overall, Verizon provides line sharing in Maryland, the District, and West Virginia using the same processes and procedures as in its 271-approved states. See Lacouture/Ruesterholz MD Decl. ¶ **151;** LacoutureRuesterholz DC Decl. ¶ **144;** Lacouture/Ruesterholz WV Decl. ¶ **142.** The Commission has repeatedly found that Verizon "provides nondiscriminatory access to the high-frequency portion of the loop." Massachusetts Order ¶ **165;** Virginia Order ¶ **138;** Pennsylvania Order ¶ **88;** New Hampshire/Delaware Order ¶ **107;** New Jersey Order ¶ **152;** Rhode Island Order ¶ **89;** Vermont Order ¶ **55;** Maine Order ¶ **51.** Verizon also reports its line-sharing performance in the three jurisdictions using the same line-sharing specific measurements as in New York and Massachusetts, Guerard/Canny Devito Decl. ¶ 13, 23-25, which the Commission found "adequately show that Verizon has met its line sharing obligation," Massachusetts Order ¶ **168;** see also Rhode Island Order ¶ **89;** Pennsylvania Order ¶ **88.**

Pre-ordering and Ordering. In each of the three jurisdictions, Verizon uses the same pre-ordering and ordering interfaces, systems, and processes to provide line sharing as it uses for providing unbundled DSL-capable loops, see McLean/Webster Decl. Att. **2** at **12-14,** which the Commission found provide CLECs with nondiscriminatory access, see Massachusetts Order ¶¶ **60, 135;** Pennsylvania Order ¶ **88.** And, as described above, Verizon's pre-ordering and ordering performance has been strong in all three jurisdictions at issue here. See McLean/Webster Decl. Att. **2** at **13.**

Provisioning. Verizon installs line-sharing orders in a timely and nondiscriminatory manner, as demonstrated by its performance under several different measurements adopted in the New **York** Carrier-to-Carrier proceedings. In addition, KPMG found that Verizon satisfied all of

the test criteria relating to line sharing. See KPMG Final Report[34] at 281; see also Rhode Island Order ¶ 89 n.260 (relying on similar results of KPMG test). From August through October, Verizon met more than 99 percent of its installation appointments for CLECs' non-dispatch line-sharing orders in Maryland, the District, West Virginia, and Virginia. & Lacouture/Ruesterholz MD Decl. ¶¶ 158-159; LacoutureRuesterholz DC Decl. ¶¶ 151-152; Lacouture/Ruesterholz WV Decl. ¶ 149. During that same period, Verizon has consistently exceeded the standard for provisioning CLEC line-sharing orders within three business days, when that interval is requested. See Lacouture/Ruesterholz MD Decl. ¶ 160; Lacouture/Ruesterholz DC Decl. ¶ 153; LacoutureRuesterholz WV Decl. ¶ 150.

Installation Ouality. Verizon also provides line sharing to its CLEC customers with a high degree of quality. From August through October, only 0.76 percent of CLEC line-sharing arrangements in Maryland and only **1.36** percent in the District received trouble reports within 30 days. See Lacouture/Ruesterholz MD Decl. ¶ 161; Lacouture/Ruesterholz DC Decl. ¶ 154. During that same period, there were no installation troubles reported within 30 days in West Virginia, and in Virginia Verizon met the parity standard in two out of three months and in the three months as a whole the difference between the percentage of installation troubles reported by CLECs (2.08 percent) and the retail comparison group (1.05 percent) is not competitively significant. See LacoutureRuesterholz WV Decl. ¶ 15 1.

Maintenance and Repair. From August through October, CLECs submitted an extremely small number of trouble tickets on line-sharing orders in the jurisdictions that are relevant here — only 26 in Maryland, only 16 in the District, and only one in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 163; LacoutureRuesterholz **DC** Decl. ¶ 156;

[34] KPMG Consulting, Verizon Virginia Inc. ***OSS*** Evaluation Project, Final Report Version 2.0 (Apr. 15,2002) ("KPMG Final Report") (App. C-MD, Tab 5).

LacouturelRuesterholz WV Decl. ¶ 153. Although these volumes are too small to provide meaningful results, see Kansas/Oklahoma Order ¶ 36; Massachusetts Order ¶ 93 n.296, the limited performance data available demonstrate that Verizon's performance is excellent. See Lacouture/Ruesterholz MD Decl. ¶¶ 163-166; Lacouture/Ruesterholz DC Decl. ¶ 156-159; Lacouture/Ruesterholz WV Decl. ¶¶ 153-156.

Line Splitting. Verizon permits CLECs in Maryland, the District, and West Virginia to engage in line splitting in the same manner that the Commission found met its requirements in Verizon's 271-approved states. See Lacouture/Ruesterholz MD Decl. ¶ 169; Lacouture/Ruesterholz DC Decl. ¶ 160; Lacouture/Ruesterholz WV Decl. ¶ 157; Virginia Order ¶ 138 (finding that Verizon's provision **of** line splitting satisfies the checklist); Pennsylvania Order ¶ 89 (same); New Hampshire/Delaware Order ¶ 105 (same); New Jersey Order ¶ 153 (same); Massachusetts Order ¶¶ 175-181 (same); Rhode Island Order ¶ 90 (same); Vermont Order ¶ 55 (same); Maine Order ¶ 51 (same).

**As** Verizon has made clear in its formal policy statement provided to CLECs on this issue, CLECs may engage in line splitting by using Verizon's existing systems "to order and combine in a line splitting configuration **an** unbundled xDSL capable [l]oop terminated to a collocated splitter and DSLAM equipment provided by a participating CLEC, unbundled switching combined with shared transport, collocator-to-collocator connections, and available cross-connects." Verizon, Line Splitting Policy (Feb. 14, 2001), at **http://128.11.40.241/east/wholesale/html/clec_01/02_14.htm.** Verizon also has added line splitting to its Model Interconnection Agreement. See LacoutureRuesterholz MD Decl. ¶ 170; LacoutureRuesterholz DC Decl. ¶ 161; Lacouturehtuesterholz WV Decl. ¶ 158. Moreover, Verizon has implemented additional ***OSS*** capabilities for line splitting, including the ability for competing carriers to

migrate from a UNE platform arrangement or a line-sharing arrangement to a line-splitting arrangement using a single local service request. See LacoutureRuesterholz MD Decl. ¶ 177; LacoutureRuesterholz DC Decl. ¶ 168; Lacouture/Ruesterholz WV Decl. ¶ 165; McLean/Webster Decl. Att. 2 at 15; Line Sharing Reconsideration Order[35] ¶¶ 18-21.

The New York PSC has approved line-splitting measurements, which Verizon will begin reporting in Maryland beginning with the January 2003 reporting month, and which Verizon has reported in West Virginia as of the May 2002 reporting month and in the District as of the September 2002 reporting month. See Lacouture/Ruesterholz MD Decl. ¶ 177; LacoutureRuesterholz DC Decl. ¶ 168; Lacouture/Ruesterholz WV Decl. ¶ 165; Guerard/Canny/DeVito Decl. ¶¶ 16-18, 23, 25; Vermont Order ¶ 55 ("Verizon has implemented new line splitting measures in its Carrier-to-Carrier Performance Reports"). From August through October, however, Verizon did not complete any commercial line splitting orders in any of the three jurisdictions relevant here. See LacoutureRuesterholz MD Decl. ¶ 178; LacoutureRuesterholz DC Decl. ¶ 169; Lacouture/Ruesterholz WV Decl. ¶ 166. During that time, Verizon completed more than 4,800 commercial line splitting orders in New York and completed more than 97 percent of them on time. See Lacouture/Ruesterholz MD Decl. ¶ 178; LacoutureRuesterholz DC Decl. ¶ 169; Lacouture/Ruesterholz WV Decl. ¶ 166.

**e. High-Capacity Loops.**

Verizon follows the same practice of unbundling high-capacity loops in Maryland, the District, and West Virginia as it does in its 271-approved states, see LacoutureRuesterholz MD

[35] Deployment of Wireline Services Offering Advanced Telecommunications Capability, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, Third Further Notice of Proposed Rulemaking in CC Docket No. 98-147, Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, 16 FCC Rcd 2101 (2001) ("Line Sharing Reconsideration Order").

Decl. ¶ 118; Lacouture/Ruesterholz DC Decl. ¶ 14; LacoutureRuesterholz WV Decl. ¶ 111, which the Commission found to comply with the checklist, see Virginia Order ¶¶ 141-144; Pennsylvania Order ¶¶ 90-92. These loops make up only a small percentage of all unbundled loops provided to competitors in each of the three jurisdictions relevant here — less than 1 percent in Maryland, and less than 2 percent in both the District and in West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 109; LacoutureRuesterholz DC Decl. ¶ 104; Lacouture/Ruesterholz WV Decl. ¶ 102.

Despite small monthly volumes, Verizon's performance in providing high-capacity loops to competitors has been strong. From August through October, Verizon met approximately 98 percent of its installation appointments for CLEC high-capacity loop orders in Maryland and approximately 96 percent of such appointments in the District, compared to approximately 90 percent and 94 percent for the retail comparison group in these jurisdictions, respectively. See LacoutureRuesterholz MD Decl. ¶ 111; LacoutureRuesterholz DC Decl. ¶ 106. In West Virginia, Verizon provisioned only 35 high-capacity loops from August through October, and provisioned all but one on time. See Lacouture/Ruesterholz WV Decl. ¶ 105. In Virginia, where volumes were greater, Verizon completed approximately 98 percent of its installation appointments for CLEC high-capacity loop orders, compared to approximately 86 percent for the retail comparison group. See id. ¶ 105.

Verizon also provides high-capacity loops with a high degree of quality. The installation quality measurements for high-capacity loops report Verizon's performance on these loops together with its performance for high-capacity interoffice facilities and loop and transport combinations. See LacoutureRuesterholz MD Decl. ¶ 113; Lacouture/Ruesterholz DC Decl. ¶ 107; LacoutureRuesterholz WV Decl. ¶ 106. Between August and October, the installation

trouble report rate was only 5.57 percent for CLECs in Maryland, only 5.67 percent for CLECs in the District, only 4.17 percent in West Virginia, and only 3.23 percent in Virginia. See LacoutureRuesterholz MD Decl. ¶ 113; Lacouture/Ruesterholz DC Decl. ¶ 107; LacoutureRuesterholz WV Decl. ¶ 106.[36]

Verizon's performance in maintaining and repairing high-capacity loops also is strong. From August through October, the trouble report rate relating to high-capacity loops, interoffice facilities, and loop and transport combinations was about 2 percent or less for both CLECs and the retail comparison group in Maryland, the District, and West Virginia. See Lacouture/Ruesterholz MD Decl. ¶ 115; LacoutureRuesterholz DC Decl. ¶ 109; LacoutureRuesterholz WV Decl. ¶ 108; see also Vermont Order ¶ 54 & n.194 (relying on comparable performance). Moreover, the small difference between the mean time to repair CLEC high-capacity loops and other wholesale special services and the mean time to repair for the retail comparison group was not competitively significant in any of the three jurisdictions — the difference was only a fraction of an hour in West Virginia, about an hour and a half in the District, and in Maryland the mean time to repair was shorter for CLECs than for retail. See LacoutureRuesterholz MD Decl. ¶ 116; LacoutureRuesterholz DC Decl. ¶ 111; LacoutureRuesterholz WV Decl. ¶ 109. The repeat trouble report rate in all three jurisdictions — with the exception of one month in the District in which there were only five repeat troubles

[36] Although there was a disparity between Verizon's wholesale and retail performance under this measurement, this is due to the fact that the retail group (which is made up mostly of DS-0 services that are relatively simple to provide) is not comparable to the wholesale group (which consists entirely of DS-1 and DS-3 circuits that are complex to provision). See LacoutureRuesterholz MD Decl. ¶ 114; LacoutureRuesterholz DC Decl. ¶ 108; Lacouture/Ruesterholz WV Decl. ¶ 107. When DS-0 services are removed **from** the retail comparison group, Verizon's performance for the retail comparison group was 3.89 percent in Maryland, 3.88 percent in the District, 5.78 percent in West Virginia, and 6.24 percent in Virginia. See LacoutureRuesterholz MD Decl. ¶ 114; LacoutureRuesterholz DC Decl. ¶ 108; LacoutureRuesterholz WV Decl. ¶ 107.

— likewise was comparable for CLECs and the retail comparison group from August through October. See Lacouture/Ruesterholz MD Decl. ¶ 117; Lacouture/Ruesterholz DC Decl. ¶ 112; Lacouture/Ruesterholz WV Decl. ¶ 110.

Finally, during the course of the state proceedings in all three jurisdictions, a few CLECs raised an issue concerning Verizon's rejection of orders for high-capacity loops where facilities are not available. **As** noted above, however, Verizon follows the same practice of unbundling high-capacity loops in Maryland and West Virginia as it does in its 271-approved states,[37] which the Commission found to comply with the checklist. See Virginia Order ¶¶ 141-144; Pennsylvania Order ¶¶ 90-92.

**f. 2-Wire Digital Loops.**

CLECs typically order 2-wire digital loops when a DSL loop is not available. Although the number of CLEC 2-wire digital loop orders is **very** small in Maryland, the District, and West Virginia, Verizon's performance in providing these loops to competitors in all three jurisdictions has been strong. See Lacouture/Ruesterholz MD Decl. ¶ 143; LacoutureRuesterholz DC Decl. ¶ 136; LacoutureiRuesterholz WV Decl. ¶ **134.**

First, from August through October, Verizon's on-time performance was better for CLECs than for the retail comparison **group** in all three jurisdictions (and in Virginia). See

[37] These practices include providing CLECs with the specific reasons for why no facilities are available when that situation occurs. See Lacouture/Ruesterholz MD Decl. ¶ 121; Lacouture/Ruesterholz DC Decl. ¶ 114; Lacouture/Ruesterholz WV Decl. ¶ 116; ***see also*** Maryland PSC December 16th Letter at 4. Verizon also permits CLECs to convert facilities that have been built and provisioned **as** special access circuits to UNEs where those circuits are eligible for such conversion pursuant to the Commission's rules. See LacoutureRuesterholz MD Decl. ¶ 122; Lacouture/Ruesterholz DC Decl. ¶ 118; LacoutureiRuesterholz WV Decl. ¶ 117. Moreover, the Maryland PSC has required Verizon to implement as a temporary measure a process to convert qualifying CLEC special access circuits to UNEs after the minimum special access service period has elapsed. See LacoutureiRuesterholzMD Decl. ¶ 122; Maryland PSC December 16th Letter at 4. Although this requirement goes beyond the requirements of the checklist, Verizon has agreed to comply. See LacoutureiRuesterholzMD Decl. ¶ 122.

LacoutureRuesterholz MD Decl. ¶ 143; LacoutureRuesterholz DC Decl. ¶ 136; LacoutureRuesterholz WV Decl. ¶ 135. Second, the I-code rate during that same period (when calculated under the newest measurements that use all retail POTS dispatched orders as the retail comparison group) was lower for CLECs than for the retail comparison group in both the District and West Virginia, and in Maryland was 5.61 percent for CLECs compared to 4.28 percent for the new retail comparison group, which is not a competitively significant difference. See LacoutureRuesterholz MD Decl. ¶ 145; LacoutureRuesterholz DC Decl. ¶ **138;** Lacouture/Ruesterholz WV Decl. ¶ 136; see also Rhode Island Order ¶ 81 (endorsing the use of the new retail comparison group under this measurement). Finally, Verizon's performance is at parity under all of the key maintenance and repair measurements in Maryland, the District, and West Virginia — including the network trouble report rate, the missed repair appointment rate, **and** the mean time to repair. See LacoutureRuesterholz MD Decl. ¶¶ 146-148; LacoutureRuesterholz DC Decl. ¶¶ 139-141; LacoutureRuesterholz WV Decl. ¶¶ 137-139.[38]

**g. Subloops.**

Verizon makes available access to subloops in Maryland, the District, and West Virginia in the same way as in its 271-approved states. See LacoutureiRuesterholz MD Decl. ¶ 179; LacoutureRuesterholz DC Decl. ¶ 170; Lacouture/Ruesterholz WV Decl. ¶ 167. The Commission has repeatedly found that Verizon's provision of access to subloops satisfies the

[38] The guidelines in Maryland, the District, and West Virginia have all modified the measurement **used** to track the network trouble report rate, which now uses all retail POTS services as the retail comparison group. In West Virginia, and in the District **as** of September 2002, Verizon's performance in the period relevant here was reported under these new guidelines. See Lacouture/Ruesterholz DC Decl. ¶ 139; LacoutureRuesterholz WV Decl. ¶ 137. In Maryland, Verizon will begin reporting its performance under these new guidelines beginning with the January 2003 reporting month, but for purposes of this Application Verizon **has** calculated its performance under these new guidelines. See LacoutureRuesterholz MD Decl. ¶ 146.

checklist. See Virginia Order ¶¶ 138, 150; Pennsylvania Order ¶ 78; New Hampshire/Delaware Order ¶ 105; New Jersey Order ¶ 136; Massachusetts Order ¶ 154; Rhode Island Order ¶ 76; Vermont Order ¶ 48; Maine Order ¶ 44. The same conclusion therefore applies here.

**h. Network Interface Devices.**

Verizon provides CLECs with access to Network Interface Devices ("NIDs"), either as part of an unbundled loop or on a stand-alone basis to CLECs that deploy their **own** loop facilities. See Lacouture/Ruesterholz MD Decl. ¶ 184; Lacouture/Ruesterholz DC Decl. ¶ 175; LacouturelRuesterholz WV Decl. ¶ 172; UNE Remand Order[39] ¶¶ 233-235. Verizon provides access to NIDs in Maryland, the District, and West Virginia in the same manner as in its 271-approved states. See Lacouture/Ruesterholz MD Decl. ¶ 184; LacouturelRuesterholz DC Decl. ¶ 175; Lacouture/Ruesterholz WV Decl. ¶ 172; Virginia Order ¶¶ 138, 150 (finding that Verizon's provision of NIDs satisfies the checklist); Pennsylvania Order ¶ 76 (same); New Hampshire/Delaware Order ¶ 105; New Jersey Order ¶ 136 (same); Massachusetts Order ¶ 124 (same); Rhode Island Order ¶ 76 (same); Vermont Order ¶ 48 (same); Maine Order ¶ 44 (same). No CLEC has requested access to Verizon's NIDs on a stand-alone basis in any **of** the three jurisdictions relevant here. See Lacouture/Ruesterholz MD Decl. ¶ 185; Lacouture/Ruesterholz DC Decl. ¶ 176; Lacouture/Ruesterholz WV Decl. ¶ 173.

**2. Unbundled Switching.**

Verizon provides unbundled local and tandem switching in Maryland, the District, and West Virginia using the same processes and procedures as in its 271-approved states. See LacouturelRuesterholz MD Decl. ¶ 186; Lacouture/Ruesterholz DC Decl. ¶ 177;

[39] Implementation of the Local Competition Provisions of the Telecommunications Act **of** 1996, Third Report and Order and **Fourth** Further Notice **of** Proposed Rulemaking, **15** FCC Rcd 3696 (1999) ("UNE Remand Order").

Lacouture/Ruesterholz WV Decl. ¶ 174. The Commission has repeatedly found that Verizon's provision of unbundled switching satisfies the checklist. See Virginia Order ¶ 184; Pennsylvania Order ¶ 120; New HamushireDelaware Order ¶ 135; New Jersey Order ¶ 164; Massachusetts Order ¶ 222; Rhode Island Order ¶ 97; Vermont Order ¶ 59; Maine Order ¶ 52. The same conclusion therefore applies here.

Through September 2002, Verizon has provided approximately 41,000 unbundled local switching elements in Maryland, approximately 5,400 unbundled local switching elements in the District, and approximately 1,800 unbundled local switching elements in West Virginia, as part of network element platforms. See LacoutureRuesterholz MD Decl. ¶ 187; LacoutureRuesterholz DC Decl. ¶ 178; Lacouture/Ruesterholz WV Decl. ¶ 175. Verizon has provided unbundled tandem switching in connection with each of the platform orders in all three of these jurisdictions. See LacoutureRuesterholz MD Decl. ¶ 187; LacoutureRuesterholz DC Decl. ¶ 178; LacoutureRuesterholz WV Decl. ¶ 175.

Verizon consistently provides unbundled switching on time. From August through October, Verizon provided more than 99 percent of local switching elements on time in Maryland, the District, and West Virginia. See LacoutureRuesterholz MD Decl. ¶ 196; Lacouture/Ruesterholz DC Decl. ¶ 187; LacoutureRuesterholz WV Decl. ¶ 184. Moreover, during that same period, **the** platforms that Verizon installed for CLECs in all three jurisdictions experienced comparable or fewer installation-related troubles than the retail comparison group. See Lacouture/Ruesterholz MD Decl. ¶ 196; LacoutureRuesterholz DC Decl. ¶ 189; LacoutureRuesterholz WV Decl. ¶ 185.

### 3. Unbundled Local Transport (Including Interoffice Facilities).

Verizon provides unbundled dedicated and shared transport in Maryland, the District, and West Virginia using the **same** processes and procedures **as** in its 271-approved states. See